

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

RAFAEL RASHAD ADAMS,)	8:14CV365
)	
Plaintiff,)	
)	
v.)	MEMORANDUM AND ORDER
)	
NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES,)	
)	
Defendant.)	
RAFAEL RASHAD ADAMS,)	8:14CV408
)	
Plaintiff,)	
)	
v.)	MEMORANDUM AND ORDER
)	
NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, DR.)	
MARY FLEARL, CHRISTINA FERGUSON, and DR. RANDY T. KHOL,)	
Defendants.)	

This matter is before the court on Plaintiff's Motions to Consolidate Cases. (Case No. 8:14CV365 at Filing No. 16; Case No. 8:14CV408 at Filing No. 15.) Plaintiff asks that the above-captioned cases be consolidated because there are "common Defendants and common Claims."

Consolidation of separate actions is governed by Federal Rule of Civil Procedure 42(a), which provides:

If actions before the court involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a).

A court may consolidate cases in the interest of expedition and economy. *United States Env't Prot. Agency v. Green Forest, Arkansas*, 921 F.2d 1394, 1402-03 (8th Cir. 1990). However, consolidation is considered inappropriate "if it leads to inefficiency, inconvenience, or unfair prejudice to a party." *EEOC v. HBE Corp.*, 135 F.3d 543, 551 (8th Cir. 1998).

The court has carefully examined the records in Case Number 8:14CV365 and Case Number 8:14CV408. Plaintiff generally alleges in both cases that staff at the Omaha Correctional Center and the Nebraska State Penitentiary, which are both operated by the Nebraska Department of Correctional Services, failed to properly care for his sickle cell anemia. Because these cases involve common questions of law and fact, the court will consolidate them in the interest of expedition and economy.

Accordingly, Plaintiff must file an amended complaint in Case Number 8:14CV365 within 30 days that contains *all of Plaintiff's claims*, including those presented in Case Number 8:14CV408. Any claims not presented in the amended complaint will be deemed abandoned. In the event that Plaintiff files an amended complaint in accordance with this order, the court will dismiss Case Number 8:14CV408. If Plaintiff fails to file an amended complaint in accordance with this order, both cases will be dismissed without further notice to him.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motions to Consolidate Cases (Case No. 8:14CV365 at Filing No. 16; Case No. 8:14CV408 at Filing No. 15) are granted.
2. Plaintiff must file an amended complaint in Case Number 8:14CV365 within 30 days that contains *all of Plaintiff's claims*, including those presented in Case Number 8:14CV408. Any claims not presented in the amended complaint will be deemed abandoned.
3. In the event that Plaintiff files an amended complaint in accordance with this order, the court will dismiss Case Number 8:14CV408. If Plaintiff fails to file an amended complaint in accordance with this order, both cases will be dismissed without further notice to him.
4. All further pleadings must be filed in Case Number 8:14CV365.
5. The clerk's office is directed to set the following pro se case management deadline: **April 27, 2015: Check for amended complaint in 8:14CV365.**

DATED this 31st day of March, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge